

**BY FACSIMILE NO. 1-703-872-9306
January 16, 2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/562,512	Confirmation No.:	7935
Inventors	: Ben Hankamer, et al.		
Filed	: December 28, 2005		
371(c) date	: March 16, 2006		
Art Unit	: 1652		
Examiner	: Mohammed Y. Meah		
Docket No.	: 012930-000026		
Customer No.	: 24239		
Title	: PHOTOSYNTHETIC HYDROGEN PRODUCTION		

Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT THAT CHLAMYDOMONAS REINHARDTII STM6
IS PUBLICLY AVAILABLE**

Sir:

This is responsive to the telephone conference by the undersigned patent attorney with Examiner Meah on **January 14, 2008**.

Examiner Meah is thanked for his time during the telephone conference, during which he requested that the undersigned patent attorney forward to him by facsimile a statement that *Chlamydomonas reinhardtii* Stm6, deposited with the Culture Collection of Algae and Protozoa on 1 July 2003 under accession number 11/129, as recited in claims 28 and 45 of the subject U.S. Patent Application No.10/562,512 is publicly available.

Examiner Meah was informed by the undersigned patent attorney that she would check with the client in Australia, and then forward the statement by facsimile. The client in Australia stated:

Chlamydomonas reinhardtii Stm6 is publicly available via a Requestor submitting a request to the Australian Commissioner of Patents to certify a release of a sample from the depositor Culture Collection of Algae and Protozoa located in Australia, where *Chlamydomonas reinhardtii* Stm6 has been deposited under accession number 11/129.

TRI11666814v1

Attorney Docket No. 012930-000026
Statement that *Chlamydomonas reinhardtii* Strm6 is publicly available
U.S. Patent Application No. 10/562,512

If the Examiner should have any questions, he is respectfully requested to telephone the undersigned patent attorney to resolve any such issues.

DEPOSIT ACCOUNT

Although it is believed that no fee is due, the Commissioner is authorized to charge any deficiencies of payment associated with this Communication, or to credit any overpayment, to

Deposit Account No. 13-4365.

Respectfully submitted,

MOORE & VAN ALLEN PLLC

Date: January 16, 2008

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